

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: October 24, 2011

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. New Blacksburg High School Property

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Board of Zoning Appeals

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PRESENTATIONS

Resolution of Commemoration – Thomas Heavener

The Board of Supervisors will present a resolution of commemoration to the family of Thomas Heavener. Mr. Heavener served on the Board of Zoning Appeals from May 1996 to June 30, 2011.

Resolution of Appreciation - Captain Kelly Walters – Christiansburg Rescue Squad

The Board of Supervisors will present a resolution of appreciation to Kelly Walters who served on the Christiansburg Rescue Squad from 1964 to 2011 and served as Captain from 2001 - 2011.

VIII. DELEGATIONS

A. SUBJECT: NEW RIVER COMMUNITY COLLEGE

New River Community College

Brad Denardo, Community College Board, will present the New River Community College Board's Annual Report.

B. SUBJECT: OLD COUNTY CLERK BUILDING (ANNEX BUILDING)

Old County Clerk Building (Annex Building)

Bob Poff with the Montgomery Museum will make a presentation about the Old County Clerk Building.

IX. PUBLIC HEARING

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised on September 28, 2011 and October 5, 2011, in the News Messenger:

1. Agricultural and Forestal District - #1 Renewal
AFD District #1 (Prices Fork) is generally located northwest of the Town of Blacksburg in the area of Prices Fork Rd. (SR 685) and Glade Rd. (SR 855). AFD-1 consists of 8 property owners and 1401 acres and currently scheduled to expire December 31, 2011. See TAB A.
2. Agricultural and Forestal District - #2 Renewal
AFD District #2 (Catawba) is located approximately 0.75 miles to the northeast from the intersection of Harding Rd. (SR 785) and Lusters Gate (SR 729) and extends along Catawba Rd. (Rt. 765) for approximately 6.6 miles to the Roanoke County line. AFD-2 consists of 30 property owners and 5525.15 acres and currently scheduled to expire December 31, 2011. See TAB B.
3. Agricultural and Forestal District - #15 Renewal
AFD District #15 (Taylor Hollow) is located approximately 0.5 miles to the north of the terminus of Taylor Hollow Rd (SR 712) in Ellett. AFD-15 consists of 2 property owners and 349.863 acres and currently scheduled to expire December 31, 2011. See TAB C.

X. PUBLIC ADDRESS

XI. ADDENDUM

XII. CONSENT AGENDA

XIII. OLD BUSINESS

**A. SUBJECT: NEW RIVER VALLEY REGIONAL WATER
SUPPLY PLAN**

**R-FY-12-
A RESOLUTION ADOPTING THE
NEW RIVER VALLEY REGIONAL WATER SUPPLY PLAN
AS THE COUNTY OF MONTGOMERY'S WATER SUPPLY PLAN**

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a local or regional water supply plan and program to the Department of Environmental Quality (DEQ); and

WHEREAS, The following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9VAC25-780-70;
- A description of existing water use in accordance with the requirements of 9VAC25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9VAC25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9VAC25-780-100;
- A description of water management actions in accordance with the requirements of 9VAC25-780-110 and 9VAC780-120;
- A statement of need in accordance with the requirements of 9VAC25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9VAC25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;

- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

WHEREAS, The County of Montgomery agreed to participate with the City of Radford, the Counties of Floyd, Giles and Pulaski and with the Towns of Dublin, Floyd, Glen Lyn, Narrows, Pearisburg, Pembroke and Pulaski in a regional planning effort led by the Planning District Commission to develop a New River Valley Regional Water Supply Plan; and

WHEREAS, On October 11, 2011 the Montgomery County Board of Supervisors held a public hearing to accept public comment on the New River Valley Regional Water Supply Plan.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby adopts the New River Valley Regional Water Supply Plan and instructs the County Administrator to submit the Plan to DEQ by November 2, 2011. Approval and adoption of this Plan and program indicates support for and general agreement with this water supply planning approach, and intent to monitor conclusions and to implement the recommendations presented in the Plan as is warranted by actual conditions that develop during the planning horizon.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby intends that the New River Valley Regional Water Supply Plan shall be revised to reflect changes in relevant data and/or program elements at least once every five years and the Plan shall be updated into the future and resubmitted to DEQ at least once every ten years, in accordance with the regulation and sound planning practice.

ADOPTED on this 24th day of October, 2011.

ISSUE/PURPOSE: Adopt the New River Valley Water Supply Plan.

JUSTIFICATION: As a result of the drought conditions during 1999-2002 and with an appreciation of the significance of water supply planning and water resource management, Governor Mark Warner commenced the Virginia Water Supply Initiative in 2002. This new initiative was aimed at local governments understanding their role in water supply management, along with the Department of Environmental Quality (DEQ) to support the means

of healthy water supplies with an overall effort to examine the issue regionally.

**B. SUBJECT: ORDINANCE ESTABLISHING PROTOCOL
FOR MAKING DROUGHT DECLARATION
AND PROVISIONS FOR EMERGENCY
MANAGEMENT OF THE PUBLIC WATER
SUPPLY**

**ORD-FY-12-
AN ORDINANCE ESTABLISHING PROTOCOL
FOR MAKING DROUGHT DECLARATIONS AND
PROVISIONS FOR THE EMERGENCY MANAGEMENT
OF THE PUBLIC WATER SUPPLY**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, as follows:

Drought Declaration and Management

Section 1 Purpose

During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of the unincorporated area of Montgomery County may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures may become increasingly strict to further reduce consumption or curtail nonessential water use.

Section 2 Authority to declare water emergencies

Under §15.2-924 of the 1950 Code of Virginia, as amended, the governing body of the locality is authorized to adopt an ordinance restricting the use of water by the citizens of such locality for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency.

Section 3 Conditions to be met

The Montgomery County Public Service Authority ("PSA") routinely monitors water supplies. The PSA Director shall notify the Montgomery County Board of Supervisors when water supply conditions approach or pass the indicators developed in the New River Valley's Regional Water Supply Plan. At such time as the governing body is informed of an imminent water supply emergency, it shall authorize the County Administrator to manage said water supply emergency.

Section 4 Publication of declaration

Upon declaration of a water emergency, the County Administrator shall immediately post a written notice of the emergency at the front door of the administration building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

Section 5 Water use considerations

The County Administrator will instruct the PSA Director and other public water suppliers to notify their customers of necessary voluntary or mandatory water use restrictions, as outlined in the New River Valley's Regional Water Supply Plan. In exercising this discretionary authority, the PSA Director and other public water suppliers shall give due consideration to water levels, available/usable storage on hand, draw down rates, and the projected supply capability, system purification and pumping capacity, daily water consumption and consumption projections of the system's customers, prevailing and forecast weather conditions, fire service requirements, pipeline conditions including breakages, stoppages and leaks, supplementary source data, estimates of minimum essential supplied to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

Section 6 Water conservation measures

Upon determination of a water supply emergency, the County Administrator, the PSA Director and other public water suppliers shall collaborate on a set of water conservation measures to be observed by residents of the unincorporated area of Montgomery County. Contained in the New River Valley's Regional Water Supply Plan are a set of example measures that could be implemented at each phase of water supply emergency or drought.

Section 7 Notification of end of water emergency

Jointly, the County Administrator and PSA Director shall notify the Board of Supervisors of Montgomery County when the indicators have been met that the water emergency situation no longer exists. Upon concurrence of the Board of Supervisors, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

ISSUE/PURPOSE:	To establish a protocol on making drought declarations and provisions for the Emergency Management of Public Water Supply.
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JUSTIFICATION: As part of the NRV Regional Water Supply Plan, the County is required to adopt an ordinance on its' drought policy.

XIV. NEW BUSINESS

A. SUBJECT: LEGISLATIVE PRIORITIES FOR 2012

**R-FY-12-
A RESOLUTION ADOPTING THE
COUNTY'S LEGISLATIVE PRIORITIES
FOR 2012**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports legislation for the 2012 General Assembly session that ends the transferring of state funding shortfalls to localities and the shifting of services traditionally provided by the state to local government. The Board further supports legislation that strengthens localities' ability to fund and deliver local services including:

- ***Restoration of Previous State Budget Cuts and Ending Future Reductions*** in the two areas where the state has served as a partner with local government: public education and public safety.
- ***Ending Unfunded Mandates on Local Government*** by reducing state mandates in proportion to state revenue reductions. Also, shifting the delivery of state services such as transportation, should end. **RESPONSIBILITY FOR SECONDARY ROADS SHOULD NOT BE SHIFTED TO LOCALITIES.**
- ***Strengthening the Diversity of Local Revenues by Sharing Income Taxes or Other Revenue Sources in Support of Local Services*** by distributing a percentage of individual income tax revenues, providing the authority to levy a local income tax, or allowing other sources to generate revenue locally for locally delivered services.
- ***Strengthening the County's Revenue Base by Enacting Equal Taxing Authority*** by eliminating the distinction in the taxing authority of Virginia's cities and counties.
- ***Recognizing the State's Role in Funding Quality Education*** by fully funding the state Standards of Quality (SOQ), basing teacher pay raises on actual positions, not just SOQ, and state funding for the "cost for competing add-on" for all Virginia School Districts.

- *Ensuring 100% of Administrative Funds for the Comprehensive Services Act (CSA)* and increasing state matching share for all CSA costs.
- *Providing State Funding for 100% of the Costs of Optical Scan Voting Machines*
- *Processing and Marketing of Industrial Hemp* Montgomery County supports efforts by all levels of government to allow cultivation, processing and marketing of industrial hemp.
- *Increasing State Aid to Library System* and ensuring no new cuts in state aid to the library system.

ISSUE/PURPOSE: To adopt the County's Legislative Priorities for 2012.

B. SUBJECT: RESOLUTION OPPOSING THE CLOSING OF THE MCCOY POST OFFICE

**R-FY-12-
MCCOY POST OFFICE-U.S. POSTAL SERVICE
DISCONTINUANCE FEASIBILITY STUDY
OF FACILITY OPERATIONS**

WHEREAS, The citizens of McCoy have been notified that the U.S. Postal Service is conducting a discontinuance feasibility study of the McCoy Post Office to evaluate the facility's operations and determine the feasibility of closing the post office to increase efficiency and cut costs for the U.S. Postal Service; and

WHEREAS, A community meeting was held by U.S. Postal representatives on September 29, 2011 to explain the process and answer questions from citizens of the McCoy community; and

WHEREAS, The Blacksburg Post Office was offered as a substitute for post office box customers in McCoy, and is more than 10 miles away; and

WHEREAS, Such actions may bring extreme hardship to the residents of McCoy, including the elderly and disabled, at a time when citizens are facing increasing gas prices and declining economy and depend upon the proximity of their community post office; and

WHEREAS, While many customers receive and pay their bills online and communicate by email and text messaging, there are many who still rely on the services provided by the U.S. Postal Service; and

WHEREAS, Closing the McCoy post office is not in the best interest of public service and would adversely affect the community as a whole.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia respectfully requests the U.S. Postal Service to give full consideration to maintaining the McCoy Post Office for use by the citizens of the McCoy community.

ISSUE/PURPOSE: Oppose the U.S. Postal Service's proposed closing of the McCoy post office.

JUSTIFICATION: See TAB F for copies of the information that was provided by the U.S. Postal Service to the citizens of the McCoy community.

C. SUBJECT: REVENUE SHARING

**R-FY-12-
RESOLUTION APPROVING THE APPLICATION FOR
VDOT REVENUE SHARING FUNDS FOR FY 2013**

WHEREAS, The Revenue Sharing Program allows the Virginia Department of Transportation (VDOT) to provide state funds to match local funds for the construction, maintenance, or improvement of primary and secondary highways; and

WHEREAS, The County of Montgomery Board of Supervisors desires to submit an application for an allocation of funds of \$2,682,500 in state funds through the VDOT Fiscal Year 2013 Revenue Sharing Program to be matched by local funds in the amount of \$2,682,500 to be provided by the developers requesting these road improvements; and

WHEREAS, The \$2,682,500 in state funds to be matched with the \$2,682,500 provided locally is to fund the following road projects:

1. Connector road from Bain's Chapel (SR 665) to Tyler Road (SR 600) and a round-about at the intersection of Bain's Chapel and Tyler Road in the amount of \$2,250,000 in state funds and \$2,250,000 in local funds.
2. Realignment of Meadow Creek Road (SR 658) and cul-de-sac at the termination of Barn Road in the amount of \$432,500 in state funds and \$432,500 in local funds.

NOW, THEREFORE, BE IT RESOLVED, That the County of Montgomery Board of Supervisors hereby supports this application for an allocation of \$2,682,500 through the Virginia Department of Transportation Revenue Sharing Program to be matched with local funds of \$2,682,500 to be provided by the developers requesting the two road improvements.

BE IT FURTHER RESOLVED, That the Board of Supervisors shall, upon further analysis, determine whether to have VDOT administer the two projects or choose to locally administer these projects.

ISSUE/PURPOSE: FY 2013 Revenue Sharing Program.

JUSTIFICATION: This resolution authorizes the submission of an application to participate in the 2013 Revenue Sharing Program for two projects provided 100% of the local costs are paid by the developers requesting these projects. These projects would traditionally be administered by VDOT but could be administered by the County. Staff is analyzing the impact of “locally administering” two projects of this size and will provide a report upon completion of this analysis.

XV. COUNTY ATTORNEY’S REPORT

XVI. COUNTY ADMINISTRATOR’S REPORT

1. Milton Conservation Project

XVII. BOARD MEMBERS’ REPORTS

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Biggs
5. Supervisor Perkins
6. Supervisor Marrs
7. Supervisor Politis

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Wednesday, November 16, 2011
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting

Adjourned Meeting
Monday, November 28, 2011
6:00 p.m. Closed Meeting
7:15 p.m. Regular Meeting